



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/386,813	02/08/95	HOGLUND	B 361427-2000

IM71/0620  
GEORGE B. SNYDER, ESQ.  
WHITMAN BREED ABBOTT & MORGAN LLP  
200 PARK AVENUE  
NEW YORK NY 10166

EXAMINER	
FIGUEROA, J	
ART UNIT	PAPER NUMBER
1772	27
DATE MAILED: 06/20/00	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Advisory Action

Application No.  
08/386,813

Applicant(s)  
Hoglund et al.

Examiner  
John J. Figueroa

Group Art Unit  
1772



## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 5 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Jun 5, 2000 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jun 5, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☐ will not be entered because:
    - ☐ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s):

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See Attached.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 13-28

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- ☐ Other

Art Unit: 1772

## **RESPONSE TO REQUEST FOR RECONSIDERATION**

1. Applicant's arguments regarding the 35 USC §103 rejection of record as unpatentable over Bridgeford (US 4,590,107) have been carefully considered but remain unpersuasive.

Applicant's main argument concerns the critical difference among Bridgeford's and Applicant's method being the basis weight of the resultant casing. Applicant argues that Bridgeford's method produces a resultant casing having a basis weight of "from 15-25 g/m<sup>2</sup>" whereas Applicant's method forms a casing having a basis weight "of more than 60 g/m<sup>2</sup>".

However, Applicant fails to notice that claim 28 recites the claimed casing tubing, wet-strengthened and comprising viscose, to have a "basis weight ... from 10 to 13 g/m<sup>2</sup>" which is outside the range and contrary to Applicant's allegation that the instant claim's resultant basis weight would be much higher than Bridgeford's. Moreover, Applicant has provided no showing demonstrating that the alleged differences in basis weights would NOT be an obvious variant resulting from different starting materials having distinct physical properties.

More importantly, in response to Applicant's argument regarding Bridgeford's method failing to disclose a resultant casing having a basis weight "of more than 60 g/m<sup>2</sup>", it is noted that this "critical difference" upon which Applicant relies upon is not even recited in the rejected claims (except for claim 28's antithetical limitation). Although the claims are interpreted in light

Art Unit: 1772

of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Consequently, in the absence of any factual evidence or objective showing to the contrary proffered by Applicant, it remains the Examiner's position that the claimed method is rendered obvious by Bridgeford.

### *Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (703) 305-0582. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:30 p.m. The Examiner can also be reached on alternate Fridays.

If the attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ellis P. Robinson can be reached by dialing (703) 308-2364. The fax phone number for the organization where this application is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose phone number is (703) 308-0661.

jjf 

June 15, 2000

  
Ellis Robinson  
Supervisory Patent Examiner  
Technology Center 1700